

EXHIBIT “D”

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

- - - - - x

SUNIL KUMAR, Ph.D, PRAVEEN SINHA, Ph.D.,
Plaintiff,

Case No.

2:22-CV-07550-RGK-MAA

-against-

DR. JOLENE KOESTER, in her official capacity
as Chancellor of California State University,

Defendant.

- - - - - x

VIRTUAL CONFERENCE

September 25th, 2023

11:03 a.m.

EXAMINATION BEFORE TRIAL of PROFESSOR
AJANTHA SUBRAMANIAN, the Defendant herein,
taken by MR. SHAEFFER, in the above-entitled
action, held at the above time and place,
pursuant to Subpoena, taken before ALEXIS
TORRES, a Shorthand Reporter and Notary Public
within and for the State of New York.

Magna Legal Services

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A. SUBRAMANIAN

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one definition that explicitly

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references the South Asian caste

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system, and then there will be a second

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definition, which sort of generalizes

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it to a kind of global phenomenon,

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right?

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So there, you see that caste has

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become a kind of umbrella category to

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talk about different descent based

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systems. Why that's happened? I mean,

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that's a historical question, right?

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Why does one term become a kind of

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umbrella term to encompass, you know,

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different iterations, right, of a

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social system? That's a historical

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question that I don't have enough

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expertise to answer.

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Q. Are you offering any opinions on

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how an ordinary American would

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understand the term caste?

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MR. MICHALOWSKI: Vague and

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ambiguous. You can answer.

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A. I don't know how -- you know,

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A. SUBRAMANIAN

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what different Americans come to the term with. I mean, it probably varies widely depending on who the person is.

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Q. You mentioned a moment ago that it's becoming an umbrella term. I'm just wondering where it's becoming an umbrella term. Is it becoming an umbrella term in academia, or is it becoming an umbrella term in your area of specialty of anthropology, or are you offering any opinion as to it becoming an umbrella term in just common parlance?

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A. I think, again, like, it's a very contextually specific. So the -- Professor Ravich's report suggest that it's been an umbrella term in U.S. law for quite a while, right? In terms of the American public, I think the publication of Isabel Wilkerson's book, Caste, which, you know, shot up to the bestseller list, I think that has been really influential in sort of educating

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A. SUBRAMANIAN

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within governing structures. They

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likened those groups to "Castas,"

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right? Which were similar, sort of,

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ranked, social groups in the Iberian

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Empires, right? So there was a sort of

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analogy that they drew between

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descent-based forms of social

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stratification, the Iberian Empires,

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and the descent-based forms of social

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stratification in South Asia, which

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went by the term Jati.

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So that sort of correlation was

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drawn, and -- and you know, as with any

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correlation, they were both -- there

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were accuracy and inaccuracy, I

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suppose. But since the 16th century,

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caste has become indigenized in the way

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that, you know, if you look

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historically, there's lot of what are

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called "loan words" that come into a

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social space and then become sort of

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indigenized within that social space.

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So that's what has happened with caste.

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A. SUBRAMANIAN

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caste as a protected category, and

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yeah, there seems to be a pretty common

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sense understanding of what it is.

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That it is -- that it's a hereditary

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and hierarchical form of social

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difference. I mean, that seems to be

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what is a kind of common sense

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understanding of it.

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(Whereupon, an essay was

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marked as Plaintiff's Exhibit 3

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for Identification.)

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Q. Let me show you an article that

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you wrote a couple years ago for the

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New York Times, if you still stand by

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what you said. An essay titled, "Why

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Is Caste Inequality Still Legal in the

19

United States."

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A. Mm-hmm.

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Q. Is that an essay you co-authored

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on around May 25th, 2021?

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A. Mm-hmm.

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Q. Is that a "Yes?"

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A. Yes.

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A. SUBRAMANIAN

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Q. Sorry, one of the other rules
that I forgot to tell you is, "Mm-hmm"
and "Uh-huh" cannot be transcribed.

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A. Yes, okay.

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Q. And nods of the head also. So
occasionally I will remind you.

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MR. MICHALOWSKI: I am quite
impressed that we've made it 80
minutes into the deposition and
we've just heard our first
"Mm-hmm." So nicely done,
Professor.

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By the way, Professor, we've
been going about 80 minutes. If,
at any point, you need a break,
maybe after this line of
questioning would be a good time
to take a break.

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MR. SHAEFFER: Sure. Let's
take a break after this question.
Q. You wrote this article?
A. Yes.
Q. And the very first sentence

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A. SUBRAMANIAN

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says, "Caste is not well understood in

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the United States?"

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A. Mm-hmm.

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Q. There you go again.

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A. Yes.

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Q. And you still stand by that

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statement?

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A. So what I would say is that I

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don't think that caste -- the nuances

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of how caste functions among -- which

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is what I said -- among people of South

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Asian descent, I don't think those

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nuances are well understood. Does that

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mean that caste, more generally, as a

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kind of hierarchical and hereditary

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system is not understood? No.

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I think that most people

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understand caste as -- like, the

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foundational principles of caste, which

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is heredity and hierarchy, I think

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those are understood, but the nuances

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of what caste references, the forms of

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social distinction, I mean -- I don't

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A. SUBRAMANIAN

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Q. There's more than one billion Indians across the world, aren't there, of people of Indian descent?

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A. Sure, but it doesn't say that that one billion people are all South Asians. It says, "Caste is a structure of oppression that affects one billion people across the world based in birth that determines social status and assigning spiritual purity." And then they go on to further -- one can think of the second as an instance of the first or one can think of the second as equal to the first. And I think it's kind of ambiguous whether it's one instance of a larger structure of oppression or whether this is the only reference for that structure of oppression.

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Q. It says there are four main caste groups, and it identifies the four from the Varna and then as the Dalits, correct?

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A. SUBRAMANIAN

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A. Yes.

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Q. And if I'm in China, those caste groups don't exist in china outside the India diaspora, do they?

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A. No, they don't.

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Q. And they don't exist really anywhere in the world outside South Asia, correct, except with the diaspora of South Asians?

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A. Right.

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(Whereupon, CSSA resolution was marked as Plaintiff's Exhibit 5 for Identification.)

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Q. Let me mark the students. This is Exhibit 5. This is the Cal State Student Association's resolution, and it's virtually identical or very, very similar to the faculty one, correct?

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A. Yes.

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Q. It identifies the four caste groups that are identified by the Varna, right?

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A. Mm-hmm.

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A. SUBRAMANIAN

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action categories of the Indian state.

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Like, all of these are ways of thinking

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about caste difference. And one or

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more of them can be in place at any

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given moment, so it really depends.

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Q. Is there a consensus?

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A. On what?

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Q. Would you agree, is there a

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consensus in the academic community? I

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know there is an outliner for

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everything. Is there an consensus in

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the academic community that Jati and

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caste are used interchangeable?

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A. I would say that caste is the

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most common translation of the word

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Jati in -- you know, in anglophone

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scholarship.

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Q. And then, Varna is just

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something completely different, Varna a

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textual hypothetical social

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organization?

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A. Yeah. You know, I think -- I

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tend to think about Varna, again, as a

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A. SUBRAMANIAN

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A. No, but this is why caste is a useful umbrella term because it's a kind of -- what's that word in linguistic anthropology? It's a kind of mediating term, right, that allows you to draw comparisons between similar social institutions in other places.

Yeah.

Q. We were talking a moment ago, before I got sidetracked again, about your opinion that caste is not -- let me step back a bit. Is it your opinion that caste is not derived from Hinduism, or is it your opinion that caste is not associated by people rightly or wrongly with Hinduism?

A. The first.

Q. And are you offering?

A. The first. It's not derived from Hinduism, but yes, it is often associated with Hinduism.

Q. Looking at pages 7 and 8 of your report --

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A. SUBRAMANIAN

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what I've heard, which is it's

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socioeconomic discrimination?

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A. He uses a --

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MR. MICHALOWSKI: I'm sorry,

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Professor, to interrupt you. I

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need to make my objection, which

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is the question is compound, the

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question poses an incomplete

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hypothetical. You can answer.

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A. He uses himself as an example.

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He's a dark skinned Harvard professor,

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and he describes forms of colorism that

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he was subjected to.

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Q. Okay. Wrapping up a few more

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questions. Can someone in the United

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States, who's not of South Asian

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descent, be a victim of caste

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discrimination that's distinct from

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racial ethnic discrimination?

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A. If they've been discriminated

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against on the basis of descent, yes.

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Q. So why not use the word descent?

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A. SUBRAMANIAN

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MR. MICHALOWSKI:

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Foundation.

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A. Why not use the term caste?

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Q. Isn't descent a much more

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inclusive and understandable term

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amongst the general population of the

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United States?

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MR. MICHALOWSKI: Objection.

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This specific question has been

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asked and answered, and Professor

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Subramanian is not a linguist.

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She's been designated to testify

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based on her anthropological

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background, so this question is

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beyond the scope and lacks

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foundation.

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Q. Answer.

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A. I don't have an answer.

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Q. In terms of the South Asian

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diaspora, can someone's caste commonly

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be determined by their name; is their

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name an indication of caste?

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A. It can be.